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ABSTRACT

The handbook provides policy and procedure information regarding special education in Alaska. Seven topic areas are addressed (sample subtopics in parentheses): authority and responsibility for special education in Alaska; procedures for the establishment and operation of special education programs (initial identification, provision of services); program placement alternatives (contracts and transfers); public school foundation schedule (plan of service for gifted and talented); definitions of exceptionalities; other definitions (assessment, least restrictive, adaptive behavior); and eligibility for services (implications of cultural divergence and specific eligibility criteria). (CL)

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Special Education Handbook

State of Alaska 1978

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PURPOSE:

All children in Alaska have a right to an appropriate education at public expense. (Article VII, Section I, Constitution of the State of Alaska. Article 3, Chapter 30 of Alaska Statutes require all Alaska's school districts and regional attendance areas to provide for special services for exceptional children.) These regulations are written for the purpose of establishing the basic program parameters necessary to implement this statute, and can be viewed as a frame of reference from which Alaskan schools can design instructional programs and strategies that will most effectively serve the needs of all exceptional children.

RATIONALE:

Learning refers to natural and continuous change in performance, and performance among children is highly variable. Children whose performance is quite unusual or whose rate of learning is quite unusual are referred to as exceptional children. With exceptional children, learning to relate effectively to environments requires special opportunities to secure the necessary knowledge, competencies, and values. These special opportunities provided for exceptional children in school programs are referred to as Special Education.

Chapter One:

AUTHORITY AND RESPONSIBILITY FOR SPECIAL EDUCATION IN ALASKA

***Provision for Special Education in Alaska

The Alaska State Constitution states that "the legislature shall by law establish and maintain a system of public schools open to all children of the State and may provide for other public educational institutions."* Operation and administration of special education programs is based on Alaska Statutes 14.30.180-350, Alaska State Law, and policies and procedures of the State Board of Education.

State Educational Authority

The State Department of Education "shall administer the state's program of education at the elementary and secondary levels...and shall plan, finance, and operate related school of education activities and facilities." The State Board of Education employs as executive officer the Commissioner of Education. (AS 44.27.010).

Local Educational Authority

At the local level of each borough and first class city is delegated educational responsibility for the citizens within its boundaries by statute. They function under the direction of local board of education. They operate under the authority of Alaska legislative statutes. (AS 14.14.020-310)

***Responsibility For Special Education

State Board of Education and the State Department of Education

The State Department of Education administered by the State Board of Education has several responsibilities. When appropriate, the State Department may:

1. Employ staff necessary to carry out the functions of the Department, including general supervision of public schools. [AS 14.07.010]

2. Establish standards relating to quality of individual or general education programs as well as standards regarding the educational component of public and private pre-elementary programs. (AS 14.07.020(6))

3. "Study the needs of public schools and recommend plans for improvement of public schools." [AS 14.07.020(2)]

4. "Provide advisory and consultative services to public schools." [AS 14.07.020(3)]

5. "Provide continuing education of children in detention homes with the coordination of the Department of Health and Social Services." [AS 14.07.020(5)]

*(Article VII, Section I: The Constitution of the State of Alaska)

6. Determine the state allowable costs for special education within the provision of the public educational foundation program. [AS 14.17.190, 14.17.200]

7. Maintain a State Special Education Plan which will provide for the development of comprehensive services delivery to all exceptional children. [P.L. 93-380, Title VI-B as amended by P.L. 94-142]

8. Monitor the quantity and quality of special education programs and services within local school district. [AS 14.07.020]

9. Establish a special education advisory council with the Commissioner of Health and Social Services. This Council will be called the Governor's Council for the Handicapped and Gifted. This Council will be composed of not less than 18 nor more than 23 members appointed by the Governor and in conformance with P.L. 94-103, P.L. 94-142, and AS 14.30.231. One third of the members must be developmentally disabled persons or their parents or guardians who are not officers or directors of an entity, or employees of any State agency entity, or employees of any State agency or of any other entity, which receives funds or provides services under P.L. 94-103; eight principal state agencies concerned with services for handicapped or gifted persons must be represented; at least one person must be appointed to represent each of the following: handicapped person, state or local educational agency, special education program administrator, special education teacher; members are to be appointed representing the public at large, local agencies, non-governmental agencies and groups concerned with services to handicapped or gifted persons. The Council's responsibilities will be as follows:

   a. serve as a forum where issues and benefits regarding current and potential services to handicapped or gifted persons may be discussed by consumer, public, private, professional, and lay interests;

   b. advocate the needs of handicapped or gifted persons before the executive and legislative branches of the State government and before the public;

   c. advise the executive and legislative branches of the State government and the private sector of programs and policies pertaining to current and potential services to handicapped or gifted

persons and their families, including but not limited to the type, range and availability of services administered by State and local governmental agencies and private organizations;

d. submit periodic reports to the commissioner of Health and Social Services and the commissioner of Education on the effects of current federal and state programs regarding services to handicapped or gifted persons, including program performance reports to the commissioners of State Departments, the Governor, and the federal government, required by P.L. 94-103 and P.L. 94-142;

e. in consultation with the departments specified above, develop, prepare, adopt, and periodically review and revise as necessary an annual plan prescribing programs which meet the needs of persons with developmental disabilities as required under P.L. 94-103;

f. review and make recommendations to commissioner of Health & Social Services and education on the state plan required under P.L. 94-142 and all state plans and proposed regulations relating to programs for handicapped or gifted persons before their being adopted;

g. state the priorities and specifications for the use of funds received by the State under P.L. 94-103 and P.L. 94-142, as amended;

h. submit annually to the commissioner of Health & Social Services and the commissioner of Education a proposed interdepartmental program budget for services to handicapped or gifted persons which includes, in-so-far as possible, projected expenditures for programs implemented by State agencies, local governmental agencies, and private organizations; the inter-department program budget shall be an informational supplement to the regular annual budgetary submissions of the departments to the Office of the Governor.

i. provide information and guidance for the development of appropriate special educational programs and services for gifted children as defined in AS 14.30.350(1) (E) and (2).

j. in conjunction with State agencies shall monitor and evaluate agencies serving the handicapped or gifted which receive federal or state funds to assure the non-duplication of services, and encourage efficient and coordinated use of federal and state resources in the provision of services. Members of the Council will have access to information subject to the disclosure restriction imposed by confidentiality laws. No individual of the Council acts as the Council's official representative without the sanction or approval

of the Council.

k. monitor decentralization and deinstitutionalization of facilities by insuring that each resident transferred has an individualized program at least equal to that which he or she might be expected to receive in present facility.

l. perform any other duties as may be required under P.L. 94-142 and P.L. 94-103 as amended, AS 14.30.231, and as the Governor may from time to time assign.

10. Coordinate and make available to local school districts other state and federal services. [AS 14. 50.010]

11. Require a cooperative effort from a local school district if the district cannot establish a program of sufficient size and scope. Cooperative payments will be equal to funding generated by each district involved in such a cooperative effort. The State Department of Education will write rules and regulations concerning the joint responsibilities of districts submitting cooperative applications. [AS 14.14.110, P.L. 94-142, Section 614(C)(1)(2)(A)(B)]

12. Provide direct services if the Department finds that:

A. The local district cannot meet Department requirements.
B. The local district as determined by the Commissioner is unable to establish a cooperative program.
C. The local district has children that can best be served by another agency.

Funds that would ordinarily accrue to the local district for direct services to those exceptional children described in "A", "B", and "C" above may be utilized by the Department for these services. [P.L. 94-142, Section 614(d)(1)(2)(3)]

Local School District

The local school district or education agency will subscribe to and participate in the Comprehensive System of Personnel Development which is an Appendix to the State Plan of Service and an addendum to this Handbook. This Comprehensive System of Personnel Development includes:

1. The inservice training of general and special education instructional and support personnel who transport, evaluate, teach, or train exceptional children. This will entail:

A. the conducting of a needs assessment and
B. designing inservice training to meet those needs.

2. Detail procedures to assure that all personnel who evaluate, teach, train, or transport exceptional children are appropriately and adequately prepared and trained and, [AS 14.30.250]

3. Effective procedures for acquiring and disseminating to teachers and administrators of programs for exceptional children significant information derived from educational research, demonstration and similar projects. [P.L. 94-142, Section 613(a)(3)(A)]

Each local school district assumes the responsibility to "provide for, during the school term of each year, an educational program for each school age child who is a resident of that district" [AS 14.14.090] [AS 14.08.111]. Competent education services must be provided for the exceptional child who is at "least three years of age and for whom the regular school facilities are inadequate or not available." [AS 14.30.180] [AS 14.03.070].

If children in need of special education service reside in BIA villages and their parents request such services, the state supported schools must provide them if the Bureau of Indian Affairs is unable to do so. The public school will enroll such special education children from the villages served by the Bureau of Indian Affairs education division using form 05-260-24 which will allow for foundation support and federal subsidies for the exceptional child when applicable.

In order to carry out AS 14.14.090, local school districts have the following responsibilities. They must:

1. Provide educational assessment of the learning, mental, and physical status of the child prior to special education placement, as well as on an annual basis. [AS 14.30.191(a)] Educational assessment shall utilize a multi-disciplinary Child Study Team approach. (See Chapter 2 of this document)

2. Maintain due process procedure as described elsewhere in this Handbook in the identification, evaluation, and placement of exceptional children.

3. Develop and provide appropriate special education programs and services for all exceptional children at the pre-school, elementary, and secondary levels within single school districts, cooperating

school districts, and/or through contractual and transfer arrangements.

4. Maintain individualized education programs and establish, review and revise individualized education programs for each student placed in a program for the exceptional.

   a. This individualized education program will be developed in a planning conference initiated and conducted by the local school district.

   b. Parents will be given an opportunity to participate in the planning conference which will be conducted at a time and place mutally agreed upon between the district representative and parent or guardian. In the event the planning conference is conducted without the parent, the district will maintain documentation in the student's central file of its effort (records of phone calls, letters, and visits with responses or lack of responses) to include the parents. In the case of a communication barrier on the part of the parent, the district will provide an interpreter or other faciliator.

   c. The planning conference will be conducted within the first thirty school days of determination of the child's eligibility for special education.

   d. The planning conference will include but not be limited to:

      (1) The school superintendent or his designated school representative.

      (2) The child's teacher(s).

      (3) One or both parents must have an opportunity to participate.

      (4) The child when appropriate.

      (5) At least one professional specialist (i.e., Medical Specialist, Special Education Coordinator, Special Education Supervisor, Special Education Teacher, Special Education Director) qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children.

      (6) Other individuals, at the discretion of the parent or agency.

   e. The individualized education program (I.E.P.) must contain:

(1) A statement of the child's present levels of educational performance.

(2) A statement of annual goals, including short term instructional objectives.

(3) A statement of the specific education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs.

(4) The projected dates for initiation of services and the anticipated duration of the services.

(5) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.

(6) Parental agreement evidenced by signature or documentation of effort to include parent.

f. The local district which initiates placement of a child in a private school is responsible for the development, maintenance, and evaluation of that child's I.E.P.

(1) When possible a teacher or representative from the private school will be included in the I.E.P. planning conference. If the representative cannot attend, the district shall use other methods to insure participation by the private school, including individual or conference telephone calls.

(2) Final responsiblity for the I.E.P. for the child placed in a private school is that of the local district which originates the transfer. The local district has the option of delegating responsibility for development and maintenance of the I.E.P. to the private school. Evaluation remains the responsibility of the local district.

5. Designate administrative responsibility for special education in areas of program development, assistance to teachers, establishment and management of budgets, continuous evaluation of special education programs, etc. Each school district with 12 or more special education units is strong-

ly encouraged to employ a full-time special education administrator.

6. Submit required forms and reports to the State Department of Education which will include information regarding the current status and future needs of special education programs and services for exceptional children.

Enrollment

The parent or guardian of an exceptional child, or the school administrator, for exceptional children residing in the district shall make application for the enrollment of the child. If the administrator makes the application, it shall be with the full knowledge and consent of the parent or guardian.

The application shall be on form 05-260-24 which will be provided by the department. A copy of this form or other DOE approved format shall be submitted to the Office of Exceptional Children quarterly or other dates as specified by the Department of Education for certification of enrollment and foundation support reimbursement. Any revision in the child's status shall be submitted within thirty calendar days of occurence. A completed copy of 05-260-24 as submitted to this office should be kept in the child's certification file.

FINAL CERTIFICATION OF A STUDENT IS THE RESPONSIBILITY OF THE COMMISSIONER. [AS Section 14.30.330].

Chapter Two:

PROCEDURES FOR THE ESTABLISHMENT AND OPERATION OF SPECIAL EDUCATION PROGRAMS

Districts shall provide services to exceptional children as detailed in a Statement of Assurances.

***Statement of Assurances

The Statement of Assurances will be considered a binding agreement between the local district and the Department of Education.

The District assures that it will:

Full Educational Opportunity

1. Provide specially designed instruction, at no cost to parents or guardians, to meet the unique needs of the exceptional child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

   [AS 14.03.080] [AS 14.30.180] [AS 14.03.070] [AS 14.30.010] [Fed. Reg. 121a.123, 124, 125, 126] [Fed. Reg. 121a.222]

Child Identification

2. Establish and implement procedures which ensure that all children residing within the jurisdiction of the local education agency who are gifted or handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located and evaluated.

   [AS 14.08.111] [AS 14.14.090(2)] [AS 14.30.350] [Fed Reg. 121a.128] [Fed. Reg. 121a.220].

Priorities

3. Use funds provided under Part B of the Education of All Handicapped Act in the following order of priorities: (1) to provide special education and related services in conformity with an individualized education program to children who are not receiving any education, including the identification, location and evaluation of children who are not receiving any education, and (2) to provide special education and related services in conformity with an individualized education program

to handicapped children within each disability, with the most severe handicaps who are receiving an inadequate education, including the identification, location and evaluation of handicapped children within each disability, with the most severe handicaps who are receiving an inadequate education.

[Fed. Reg. 121a.127, 121a.225, 121a.320-324]

Personnel Development

4. Implement and use a program for personnel development as established by the Department of Education which includes in-service training of general and special education personnel and effective procedures for acquiring and disseminating to teachers and administrators research and demonstration information.

[Fed. Reg. 121a.139, 224, 380-387] [AS 14.30.250] [AS 14.30.260]

Public Control of Funds

5. Maintain control of funds and title to property acquired with those funds received from State and federal sources. [Fed. Reg. 121a.228]

Excess Costs

6. Utilize State and local funds appropriated for Special Education purposes before Part B, EHA and P.L. 89-313 funds are used and keep records adequate to show that it has met this excess cost requirement.

[Fed. Reg. 121a.182, 183, 184, 229]

Non-Supplanting

7. Insure that funds provided under Part B, EHA, and P.L. 89-313 are used to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant those State and local funds.

[Fed. Reg. 121a.230]

Comparable Services

8. Use Part B, EHA, and P.L. 89-313 funds to provide services to handicapped children only after State and local funds have been used to provide services to handicapped children which, taken as a whole, are at least comparable to services provided to other handicapped children.
[Fed. Reg. 121a.331]

Individualized Education Program

9. Have an individualized education program (IEP) for each exceptional child developed in a meeting with the school superintendent or his designated representative, the child's teacher(s), one or both of the child's parents, the child where appropriate, and other individuals at the discretion of the parent or district. Included in this will be:

   a. a statement of the present levels of education performance.

   b. a statement of annual goals, including short term instructional objective.

   c. a statement of the specific education services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs.

   d. the projected date for initiation and anticipated duration of such services.

   e. appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

   f. evidence which includes signatures and dates that meetings have been conducted annually to review the IEP and if appropriate to revise its provisions.

   [Fed. Reg. 121a.130, 235, 340-349]

Procedural Safeguard

10. Develop written policies and procedures to ensure that when initial educational evaluation and placement decisions or changes in existing placement are being considered, due process protections be provided to the child, the family, and the schools. The following shall be established as a minimum in identification, evaluation and educational placement:

   a. The parents of an exceptional child shall be afforded an opportunity to inspect and review all education records.

   b. The parents of an exceptional child have the right to obtain an independent education evaluation of the child.

c. Written notice must be given to the parents of an exceptional child in the parents' native language when the district changes or refuses to initiate or change the identification, evaluation or educational placement of the child. In addition, parents always have the right to an interpreter/translator if their primary language is other than English.

1. The notice must contain:

(1) A full explanation of all the procedural safeguards available to the parents;

(2) A description of the action proposed or refused by the district, an explanation of why the district proposed or refuses to take the action, and a description of any options the agency considered and the reasons why these options were rejected.

(3) A description of each evaluation procedure, test, record, or report the district uses as a basis for the proposal or refusal; and

(4) A description of any other factors which are relevant to the agency's proposal or refusal.

e. A parent or the district may initiate a hearing on a proposal to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child, or on a refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child. The hearing includes the right to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of exceptional children;

(2) Present evidence and confront, cross-examine, and request the attendance of witnesses;

(3) Prohibit the introducation of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(4) Obtain a written or electronic verbatim record of the hearing;

(5) Obtain written findings of fact and decisions. (The public agency shall transmit these findings and decision, after deleting any personnally identifiable information, to the Governor's Council for the Handicapped and Gifted.

(6) Parents involved in hearings must be given the right to:

(a) Have the child who is the subject of the hearing present; and

(b) Open the hearings to the public.

(7) Administrative appeal.

(8) Civil action.

[Fed. Reg. 121a.121, 237, 500-514]

Protection in Evaluation

11. Utilize testing and evaluation materials and procedures for the purposes of evaluation and placement of exceptional children that are selected and administered so as not to be racially or culturally discriminatory.

[AS 14.30.191] [Fed. Reg. 121a.133, 530-534]

Least Restrictive Alternative

12. Insure (a) that to the maximum extent appropriate, exceptional children, including children in public or private institutions or other care facilities, are educated with children who are not exceptional, and (b) that special classes, separate schooling or other removal of exceptional children from the regular educational environment occurs only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

[AS 14.30.285] [AS 14.30.305] [Fed. Reg. 121a.132, 227, 550-556]

Confidentiality

13. Establish written procedures regarding the storage retrieval, and use of all information collected pertinent to the education of every exceptional student to insure the confidentiality of the information and guarantee the student's right to

privacy. The district shall:

a. Permit parents to inspect and review any education records relating to their children which are collected, maintained, or used by the district.

b. Keep a record of parties obtaining access to education records collected, maintained, or used including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

c. Amend the records at parent request or provide an opportunity for a hearing to challenge the information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

[Fed. Reg. 121a.129, 221, 560-576]

Related Services

14. Provide related services such as transportation and such developmental, corrective, and other supportive services as are required to assist an exceptional child to benefit from special education. This includes speech pathology, audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, medical services for diagnostic or evaluation purposes, school health services, social work services in schools, and parent counseling and training.

[Fed. Reg. 121a.13, 346]

***Employ Certified Personnel

Requirements for teachers of exceptional children

Special Education teachers employed to teach exceptional children must possess a valid Alaskan teaching certificate (Type A) with appropriate endorsement for their special education assignment, or they must receive departmental approval from the Commissioner of Education. (See below for departmental approval procedures.) Teachers of the gifted need only possess a Type A certificate.

Special Education support personnel such as speech language-pathologists, psychologists, and social workers must hold a Special Services Certificate, Type C, in their field, where appropriate, or a teaching

certificate, Type A with a special-field endorsement.

Special Education Administrators must hold either an Administrative Certificate, Type B endorsed in Administration of Special Education, or a Regular Teaching Certificate, Type A, endorsed in Special Education with an Administrative Certificate, Type B.

Special Education Classroom Aides need not hold a state certificate but should evidence competencies in working with exceptional children and should work under the direct supervision of certified or approved special education personnel.

Departmental Approval Procedures

Teachers or administrators who are responsible for exceptional children and who do not possess a valid Alaskan teaching certificate with appropriate endorsement for their professional assignment must be approved by the Department of Education. The teacher obtains departmental approval by submitting in writing, to the Department of Education, Office for Exceptional Children, the following:

1. A description of the teacher training program they are enrolled in that will lead to certification appropriate to their assignment.

2. An indication they will complete the training program as described in three years or less.

3. Confirmation of said enrollment from an accredited institution of higher learning.

4. A letter from the Superintendent of the LEA that describes the competencies of the teacher in question to instruct exceptional children and indicates his approval of the professional assignment and his personal assurances that all other avenues of teacher recruitment have been exhausted.

5. As required by AS 14.20.010, applications for departmental approval for special education endorsement, must be completed within three months from the date of employment.

***Establish and Implement Systematic Procedures for Initial Child Identification.

The child should be the focus of concern for special education. Each school district designates responsibility and develops procedures for initial identification of all district children ages 3-19, whether enrolled in school or not, who may be in need of special education. Identification procedures should

involve the coordinated efforts of all appropriate agencies, and participation by individual citizens should be encouraged. Each school district should maintain information regarding special education programs and services and make this program information available to public and private agencies, parents of exceptional children, private physicians, and other interested persons upon request. Initial identification procedures may include: systmatic continuous screening process, census or surveys of in-school and out-of-school children, or referrals from parents, medical personnel, school personnel, community agencies, legal authorities and other interested persons.

***Establish Child Study Team(s)

When a child has been identified as one who will potentially benefit from special education programs and services, it will be the responsibility of the school district to initiate further review and evaluation of the child's education needs before an educational placement is made. A multi-disciplinary team(s) shall provide educational evaluations of exceptional children and make appropriate educational recommendations.

Each school district or cooperative school district shall provide at least one Child Study Team which will meet on a regular basis. School districts may have more than one Child Study Team depending on the size of the district and the number of children to be served. The composition of the Child Study Team(s) may vary from child to child depending on the nature of the exceptionality, but team consistency for any given child should be maintained.

The Child Study Team shall be composed of at least three members which shall include the school superintendent or his designated school representative, teacher(s), the parent or guardian at their discretion, the child when appropriate, and at least one professional specialist qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children. Other persons who may also be included whenever appropriate include the school principal, special education director, physician, psychologist, speech-language pathologist, social worker, school nurse, diagnostic prescriptive teacher, and other persons involved in evaluation of the child. A chairperson for the Child Study Team should be selected to review referrals and conduct meetings of the Team.

The Child Study Teams conduct educational evaluations by collecting and examining existing school and other records to determine the appropriateness of the special education placement, making necessary changes in

education placement, providing appropriate follow-up of children returning to the regular education programs, and conducting an annual review of all students receiving special education programs and services.

***Components of an Educational Evaluation

Each child must be given an evaluation before initial placement or denial of placement. An evaluation must be conducted before the child is transferred or transfer is denied from a special education program to full-time regular class placement. Placement must be in the least restrictive environment (see page 6.1). Any change in a child's special education placement must be based on (1) the child's current individualized education program, and (2) any other information relating to the child's current educational performance.

All tests and other evaluation materials must be: (1) provided and administered in the child's native language or other mode of communication unless it is clearly not feasible to do so; (2) validated for the specific purpose for which they are used; (3) recommended by their producer for the specific purpose of which they are used; and (4) administered by a multdisciplinary team or group of persons who meet applicable certification or licensure requirements under State Law, and must include at least one teacher or other specialist with knowledge in the area of the suspected disability.

In test selection and administration, if a test is administered to a child with impaired sensory, manual or speaking skills, the test results must accurately reflect the child's aptitudes or achievement rather than reflecting the child's impaired sensory, manual, or speaking skills.

Information from sources other than ability or achievement tests, including information concerning physical condition, sociocultural background, and adaptive behavior in home and school, must be gathered and considered and the weight given to each of these sources documented. The child must be assessed in all areas related to the suspected disability including where appropriate, health, vision, learning, social and emotional status, general intelligence, academic performance, communicative status, and motor diabilities.

Information must be drawn from a variety of sources, including aptitude and achievement tests, teacher recommendation, physical condition, social or cultural background, and adaptive behavior. The interpretation of the evaluation data and the subsequent determination of the child's educational placement must be made by a team or group of persons knowledgeable about the child, the meaning of the evaluation results, the placement options, and the personnel available to provide special education and related services.

Information gathered from all the above sources must be documented and carefully considered. If the information derived from these sources, results in a showing that the child does not, because of a disability, need instruction in a special setting, the child will not be placed outside the regular instructional setting.

Each exceptional child's individualized education program must be revised periodically, but not less than annually, and a formal re-evaluation based on the procedures described above must be conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests an evaluation.

Protective features required in an Educational Evaluation

Assessment instruments and procedures for an educational evaluation should be behaviorally oriented and should be selected to measure appropriate behaviors. Such materials or procedures will be selected and administered so as not to be racially or culturally discriminatory and shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so. No single procedure shall be the sole criterion for determining an appropriate educational program for a child [P.L. 94-142, Section 612(5)(C)]. Standards for interpreting test results must reflect general cultural expectations, but must also reflect particular local and individual expectations, including those related to ethnic identification. No one test or type of test or other means of evaluation is used as the sole criteria for placement.

Parents or guardians must be given in writing the right to appeal the results or decisions derived from, an educational evaluation and the right to other due process regulations within the Administrative Procedures Act, [AS 14.30.191(c)].

Educational evaluation results must be maintained as confidential. However, they must be available for review by the child's parents or guardians and the Department of Education upon request. Assessment and evaluation must be conducted by appropriate and qualified personnel and should result in classification of children for funding and reporting purposes as well as defining appropriate educational programming. Educational evaluations should not categorize and/or label children except for funding and reporting purposes. Should the parents refuse evaluation, due process procedures may be implemented by the district.

***Special Education Placement

Information needed for placement

After the Educational Evaluation has been completed, the Child Study Team will meet to discuss the results and make recommendations for educational programming. The Child Study Team evaluation must include a summary of the assessment findings as well as the following information recorded on an appropriate I.E.P. form (pages 1.6, 1.7) and signed by all team members:

1. Determination of eligibility for special education placement.

2. Determination of the type of exceptionality to be used for reporting purposes.

3. Description of educational recommendations including long and short-term objectives as well as suggestions for on-going assessment of the child's functioning.

4. Recommendations for most appropriate special education placement.

Protective features required of Special Education Placement

When making an educational placement, the child must be placed within a minimal time which shall not exceed thirty (30) days between initial identification and educational placement. Placement decisions must also result in the provision of services in the least restrictive alternative. It is expected that exceptional children will, whenever possible, be educated in the regular education program with appropriate special education support services.

All records concerning educational placement decisions must be treated as confidential, but must be available for review by the child's parent or guardians and the State Department of Education. Written consent of parents or guardians must be secured prior to special education placement of child, and parents or guardians must be given the right to appeal placement decisions. (See next section).

***Due Process Procedures

Procedural Safeguards

Opportunity to Examine Records

1. The parents of an exceptional child shall be afforded an opportunity to inspect and review all education records with respect to:

   a. The identification, evaluation, and educational placement of the child, and

b. The provision of a free appropriate public education to the child

Independent Educational Evaluation

1. The parents of an exceptional child shall have an opportunity to obtain an independent educational evaluation of the child.

   a. The local district shall provide to parents, on request, information about where an independent educational evaluation may be obtained.
   b. A parent shall have the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local district. However, the local district may initiate a hearing as described in the "Impartial Due Process Hearing" segment of this section to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
   c. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

      1. Must be considered by the local district in any decision made with respect to the provision of a free appropriate public education to the child, and
      2. May be presented as evidence at a hearing under this section regarding that child.

2. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

3. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualification of the examiner, must be the same as the criteria which the local district uses when it initiates an evaluation.

Prior Notice; Parent Consent

1. Written notice shall be given to the parents of an exceptional child at the time of referral before the local district:

   a. Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child, or

b. Refuses to initiate or change the identification evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

2. Parental consent must be obtained before:

a. Conducting a preplacement evaluation; and
b. Initial placement of an exceptional child in a program providing special education and related services.
c. The local district may use the due process procedures under their section to obtain a decision to allow the evaluation or services without parental consent. The district must notify the parent of its action, and the parent has appeal rights as well as rights at the hearing itself.

Content of Notice

1. The notice must include:

a. A full explanation of all the procedural safeguards available to the parents;
b. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the agency considered and the reasons why these options were rejected.
c. A description of each evaluation procedure, test, record or report the district uses as a basis for the proposal or refusal; and
d. A description of any other factors which are relevant to the agency's proposal or refusal.

2. The notice must be:

a. Written in language understandable to the general public, and
b. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

3. If the native language or other mode of communication of the parent is not a written language, the local district shall take steps to insure:

a. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication.
b. That the parent understands the content of the notice, and
c. That there is written evidence that the

requirements in paragraph (a) and (b) of this segment have been met.

Impartial Due Process Hearings

A parent or a public educational agency may initiate a hearing on, (1) a proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of free appropriate public education to the child, or (2) refusal to initiate or change the identification, evaluaton, or educational placement of the child or the free appropriate public education of the child.

1. The hearing must be conduced by the public agency directly responsible for the education of the child.

2. The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if:

   a. The parent requests the information; or
   b. The parent or the agency initiates a hearing.

Impartial Hearing Officer

A hearing shall be presided over by a hearing officer. Each public agency shall keep a list of persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

1. A hearing may not be conducted:

   a. By a person who is an employee of a public agency which is involved in the education or care of the child, or
   b. By any person having a personal or professional interest which would conflict with his or her objectivity in the hearing.

2. A person who otherwise qualifies to conduct a hearing under the paragraph above is not considered an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

3. A hearing officer shall voluntarily disqualify himself and withdraw from a hearing in which he cannot accord a fair and impartial hearing or consideration. A party may request the disqualification of a hearing officer by filing an affidavit, before the taking of evidence at a hearing,

stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined by the hearing officer when he hears the case.

Hearing Rights

The agency shall determine the time and place of hearing. The hearing shall be at a time and place reasonably convenient to the parent. The hearing will be closed unless one or both parties request an open hearing.

1. The agency shall deliver or mail a notice of hearing to all parties at least 10 days before the hearing.

2. The notice to respondent shall be substantially in the following form:

   You are notified that a hearing will be held before (here insert name of agency) at (here insert place of hearing) upon the _____ day of _____, 19____, at the hour of _____, in response to (here insert name of person or agency) request for a hearing. You may be present at the hearing, may be but need not be presented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you.

3. Any party to a hearing has the right to:

   a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of exceptional children;

   b. Present evidence and confront, cross-examine, and request the attendance of witnesses;

   c. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

   d. Obtain a written or electronic verbatim record of the hearing.

   e. Obtain written findings of fact and decisions. (The public agency shall transmit those findings and decisions, after deleting any personally identifiable information, to the Governor's Council for the Handicapped and Gifted.)

f. Parents involved in hearings must be given the right to:

(1) Have the child who is the subject of the hearing present; and

(2) Open the hearing to the public.

4. The public education agency shall insure that not later than 45 days after the receipt of a request for a hearing:

a. A final decision is reached in the hearing; and

b. A copy of the decision is mailed to each of the parties; and

c. A decision made in a hearing procedure is final unless a party to the hearing appeals the decision within 30 days from the entry of the decision appealed from.

Notice of Appeal

Either party may appeal from a hearing decision by filing with the Department of Education a notice of appeal in duplicate with sufficient additional copies for all parties. The notice of appeal shall specify the parties taking the appeal and shall designate the decision or part thereof appealed from. Notification of the filing of the notice of appeal shall be given by the Department of Education by mailing copies thereof to all parties to the hearing decision other than the party taking the appeal, but their failure to do so does not affect the viability of the appeal. The notification to a party shall be given by mailing a copy of the notice of appeal to his attorney of record or, if the party is not represented by an attorney, then to the party at his last known address. The notice of appeal sent to the Department of Education shall be accompanied by a copy of the hearing decision from which the appeal is taken.

Administrative Appeal Procedures

In a hearing conducted by a public education agency other than the Department of Education, any party aggrieved by the findings and decision in the hearing may appeal to the Department of Education.

1. If there is an appeal, the Department of Education shall conduct an impartial review of the hearing. The official conducting the review shall:

a. Examine the entire hearing record.

b. Insure that the procedure at the hearing was consistant with the requirements of due process;

c. Seek additional evidence if necessary;

d. Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;

e. Make an independent decision on completion of the review; and

f. Give a copy of written findings and the decision to the parties.

2. The decision made by the reviewing official is final, unless a party brings civil action.

a. The Department of Education may conduct its review either directly or through another State agency acting on its behalf. However, the Department of Education remains responsible for the final decision on review.

b. All parties have the right to continue to be represented by counsel at the Department of Education administrative review level, whether or not the reviewing official determines that a further hearing is necessary. If the reviewing official decides to hold a hearing to receive additional evidence a de novo hearing must be conducted.

c. The Department of Education shall insure that not later than 30 days after the receipt of a request for a review:

1. A final decision is reached in the review; and

2. A copy of the decision is mailed to each of the parties.

d. A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraph 6 and 9 (c) at the request of either party.

e. Each hearing and each review involving oral arguments must be conducted at a time and place which is reasonably convenient to the parents and child involved.

Civil Action

Any party aggrieved by the findings and decisions of a review by the Department of Education has the right to appeal through civil action within 30 days following final decision by the Department of Education.

Child's Status During Proceedings

1. During the pendency of any administrative or judicial proceedings regarding a complaint, unless the local district and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.

2. If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program unitl the completion of all the proceedings.

Surrogate Parents

1. Each local district shall insure that the rights of a child are protected when:

   a. No parent can be identified:

   b. The local district, after reasonable efforts, cannot discover the whereabouts of a parent; and

   c. The child is a ward of the State under the laws of the State.

2. The local district may select a surrogate parent in any way permitted under State law.

3. The local district shall insure that a person selected as a surrogate:

   a. Has no interest that conflicts with the interests of the child he or she represents; and

   b. Has knowledge and skills, that insure adequate representation of the child.

4. A person may not be an employee of a local district which is involved in the education or care of the child.

5. A person who otherwise qualifies to be a surrogate parent under (3) and (4) of this segment, is not an employee of the district solely because he or she is paid by the agency to serve as a surrogate

parent.

6. The surrogate parent may represent the child in all matters relating to:

   a. The identification, evaluation, and educational placement of the child, and

   b. The provision of a free appropriate public education to the child.

***Confidentiality

All Local Districts will:

1. Permit parents to inspect and review any personally identifiable data relating to only their children:

   a. As soon as possible but no later than 45 days after the request has been made.

   b. With an explanation and interpretation by the LEA.

   c. Assuming the parent has such authority unless forbidden due to guardianship ruling under State law.

   d. With a list of types of data collected and location of that data provided by the local education agency.

2. Maintain a record of parties obtaining access to data collected, maintained, or used toward the identification, location and evaluation of exceptional children.

   The record shall include the name of the party, data given and the purpose for which the data will be used.

3. Respond to requests from parents who believe that data relative to their child is inaccurate or misleading or violates their privacy or other rights for appropriate amendments to the data.

4. Decide whether to amend the data in accordance with the request within a reasonable period of time of receipt of the request.

5. Advise the parent of the right to a hearing in the event a decision is made not to amend the data as requested.

6. Provide an opportunity for a hearing within a reasonable time in order for the parent to challenge data to insure that it is not inaccurate,

misleading, or otherwise in violation of the privacy or other rights of the child.

7. Amend the data if, as a result of the hearing, the district decides that the data is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child and so inform the parent.

8. Advise the parent if, as a result of the hearing, the district decides the data is not inaccurate, misleading or otherwise in violation of the privacy or any other rights of the child, of the right to place in the records the district maintains on the child a statement commenting on the data and setting forth any reasons for disagreeing with decision of the district.

9. Maintain such a statement as a part of the child's record as long as the contested portion remain in the records and make the statement a part of any disclosure of the child's record.

10. Obtain parental consent before data in student records is:

    a. Disclosed to anyone other than:

        (1) Other school officials, including teachers within the educational institution or LEA who have legitimate educational interests.

        (2) Officials of other schools or school systems in which the student intends to enroll, upon condition that the parents be notified of the transfer, receive a copy of the record desired, and have an opportunity to challenge the content of the record.

        (3) Authorized representative of (i) the Comptroller General of the United States, (ii) the Secretary of Health, Education and Welfare, (iii) an administrative head of an education agency, or (iv) State educational authorities. Provided, that except when collection of personally identifiable data is specifically authorized by Federal law, any data collected by such officials with respect to individual students shall not include information (including social security numbers) which would permit the personal identification of such students or their parents after the data so obtained has

been collected.

b. Used for other than identification, location. evaluation, and placement.

c. Sought directly from the child by formal evalution.

11. Should the parent or surrogate parent refuse to grant permission for release of the child's records, the participating agency shall institute due process proceedings. [P.L. 93-380], [P.L. 94-142; Section 614(a); Section 615]

***Maintain Appropriate Records of Pupil Progress as Well As Other Appropriate Special Education Program Data

Each local school district is required to maintain descriptive information about the quantity and quality of special education programs for review by the State Department of Education. This information will include but is not limited to the following:

1. Local efforts as selected from Appendices of State Plan or other endeavors initiated to locate unserved or underserved children (Child Find and screening). Record should be maintained in a certification file as to materials and methods utilized.

2. A referral procedure that may be utilized by anyone in the community even the child him/herself. Referral instrument should be retained in a certification file on each child.

3. Evaluation:

   a. Testing that is non-discriminatory. Selection of tests is left to discretion of local personnel. Tests must be validated for the specific purpose for which they are used.

   b. Multi-disciplinary (includes speech , etc.)

   c. Multi-sourced (includes tests, observations, etc.)

   d. Carried out by qualified personnel.

   e. Recent - within last three years.

   f. Considers:

      1) Personal data.
      2) Educational history
      3) Medical history.

4) Observation in present educational environment.

4. The Child Study Team is made up of a representative of the administration, the child's teacher(s) parents, and/or the child when appropriate, at least one professional specialist qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of exceptional children, and other individuals at the discretion of the parent or agency.

5. The child's placement

   a. Is based on a behavioral description.

   b. Considers the child's strengths, weaknesses, and needs.

   c. Has the parent's concurrence in writing (and in the native language when appropriate).

   d. Is in the least restrictive alternative.

   e. Is effected by a Child Study Team.

6. Each child must have an Individual Education Program that:

   a. Contains a statement of the child's present level of performance (i.e., social behavior, academic.).

   b. Sets annual goals and short-term objectives

   c. Delineates special education and related services to be provided.

   d. Shows the extent to which the child will be able to participate in the regular educational program.

   e. Gives the date of initiation of services and the anticipated duration of services.

   f. Evidences a component for I.E.P. evaluation as to effectiveness.

   g. Has appropriate objective criteria and evaluation procedures.

   h. Has a schedule for determining on at least an annual basis, whether the short-term instructional objectives are being acheived.

1. Has a copy maintained in each child's certification file and a copy made available to each person involved with child's education.

7. Any program change must be agreed to in writing and be dated by the parent/guardian prior to implementation.

8. District procedures for individual protection:

   a. Practice as to confidentiality as specified in the Statement of Assurances and on pages 2.1 to 2.6.

   b. Policy for procedural rights as specified in the Statement of Assurances and on pages 2.1 to 2.6.

   c. Parental acknowledgement of receipt of due process procedures in parent's native language (as indicated and practical), ("a" and "b" may be developed locally or the district may adapt DOE samples.)

9. The district has developed its own or adopted the State's Comprehensive System of Personnel Development as set forth in Statement of Assurances.

10. Pupil enrollment data.

11. Continuous pupil program records.

12. Information concerning the certification status of special education personnel.

13. Financial data.

14. Summary of special education program progress and effectiveness.

All the foregoing data and other data utilized by the local Child Study Team must be made available for a compliance review in a central location, or other location negotiated between the district and the Department of Education, following thirty (30) days prior notice to the local district that the district will be reviewed for compliance by the State Department of Education.

Chapter Three:

SPECIAL EDUCATION PROGRAM PLACEMENT ALTERNATIVES

***General Placement Guidelines

Placement must be highly individual

The best placement option for an exceptional child is the total configuration of possible program services which has the highest probability for assisting the child in reaching long-range goals and short-range objectives. Appropriate placement options for services are those that historically have proven functional for children. Placement options will be selected according to individual student goals and objectives which have been determined after an educational evaluation.

In considering placement options, the district must give preference to those Special Education placements for exceptional children in or near their resident school district [AS 14.30.285(a)]. Further preference shall be given to those placements which maintain the exceptional child as closely as possible to the regular classroom program. In no case can a child be placed in a special education program outside his district without written consent of his parent or guardian [AS 14.30.285(f)].

Regular Classroom Placement with Special Support

If the assessment of learner needs indicates that the pupil's exceptionality is not so severe as to be prohibitive of such placement, regular classroom placement with some level of support is the preferred placement option. Such support could include:

1. The provision of specialized materials for use by the regular teacher to provide needed service.

2. Consultative support to the regular classroom teacher in planning and implementing programs to meet the child's needs, from a staff resource teacher, or from a district or regional resource person.

3. Itinerant instructional services provided in class to the exceptional child by a staff resource teacher, or by a district or regional itinerant specialist.

Regular Classroom Placement Supplemented with Resource Room Placement

When the diagnostic assessment of an exceptional pupil indicates that intensive individualized programming outside the regular classroom is appropriate, resource room placement may be utilized. Resource rooms may be established to serve a building or local district (depending on accessibility) and should be staffed with trained personnel who are able to assess instructional programs. Such special individualized instruction may also be provided by a district or regional itinerant

specialist outside the regular class. In general, such resource room placement should be highly supportive of the regular class program.

Self-contained program

A self-contained classroom or other specialized facility may be operated by a school district in order to provide instruction as established by an I.E.P. Pupils in self-contained classrooms should have access, when needed, to all other support services.

Home and Hospital Programs

Instruction in the home or in a hospital by an itinerant teacher, should be considered when the diagnostic assessment indicates that the exceptional pupil is:

1. Unable to tolerate or adapt to the learning conditions usually found in a school setting on either a full or partial day basis; or,

2. temporarily or permanently physically or medically disabled to such an extent that attendance would involve serious risk to the pupil's welfare.

This placement option should be considered only when other alternative placements in the district have been exhausted. The instructional services should be provided by an itinerant specialist who has competencies in individualizing instructional programs and who has access to a local or regional learning resource center. If provided, ten hours of instruction per week will generate an FTE of 1.0 in average daily membership when computing state foundation program support. [AS 14.30.305]

Institution Programs

Children with problems so severe that they require 24 hour residential care may, with the approval of the Commissioner of Education [AS 14.30.285(b)], be referred to the State Department of Health and Social Services for possible institutional admittance.

Contracts and Transfers: vehicles to insure appropriate service when the district cannot provide

In certain instances, a local district can contract with a state approved educational agency to provide educational services for a group of exceptional children who reside in or have been transferred to the district. The Alaska Department of Education, at the discretion of the Commissioner of Education, may also contract with a local district, institution, or other educational agency to provide educational services to exceptional children when services would not otherwise be available to those children.

When a group contract arrangement is used, the contract shall not release the district from its responsibility for and control of the quality of the educational program provided. Such a contract must include the following elements:

1. Description of the services to be provided.

2. Description of the setting in which services are to be provided.

3. The child's (or children's) resident district(s) when applicable.

4. Description of how contracted personnel are to be served.

5. Description of how services are to be coordinated with the school district activities.

6. Provisions to insure that at least quarterly notes and records will be maintained by the contract on the educational and related progress of each individual child. Such notes or records will be summarized at least quarterly and forwarded to the contracting district.

7. Methods of determining charges and reimbursement.

8. Total dollar amount of contract.

9. Duration of contract.

10. Specification of frequency of contract review.

11. Assurances that the contracted educational personnel and services meet all licensing and/or certification requirements for special education.

12. Assurance that contracted services are to be provided in compliance with existing Alaska State school law and Department of Education regulations.

13. Specification of the terms whereby the contract may be altered or terminated.

14. Signatures of authorized district personnel and the institution. Contracts between districts and the State Department of Education must also be signed by the Commissioner of Education or his authorized representative.

Transfer of Students for Special Education

When the local district does not have adequate resources to provide an appropriate program for an exceptional pupil, it may with prior approval of the commissioner of Education initiate a transfer to place the pupil in an appropriate program. Since a transfer involves a change in the educational program status of the child, written consent of the parent or guardian is required before such a transfer can be effected. There are several different types of

transfers that may be effected for students needing special services. They are: Ward-of-State, Transfer for evaluation, Inter-district and Out-of-State transfers. All but a Ward-of-the-State transfer must have prior approval of the Commissioner. [AS 14.30.285(b)]

Ward-of-State

The student who is a ward of the state can be placed by a state agency in an educational program (with written consent of a duly appointed surrogate parent) outside his residential district. Two alternative placements are possible:

1. The student may be placed directly in a state institution.

2. The student may be placed within a district program other than an institution. The student is then treated as an inter-district transfer and the Alaska Department of Education pays the local tuition rate to the district.

If placed by federal agencies, all costs are paid by the federal government.

Transfer for Evaluation

If the transfer is for evaluation purposes, a memorandum (DOE form 05-252-24) is used between the sending and receiving districts. If approved by the Commissioner of Education, the full cost of the evaluation will be the responsibility of the State.

Inter-district Transfer

In transfers between two school districts, the sending district pays the receiving district an amount equal to the sending district's tuition rate and the state bears all other expenses. DOE form 05-252-24 Memorandum of Agreement is used between the sending, receiving districts and the Department of Education.

Out-of-state Transfer

This alternative would involve a special program placement outside the State of Alaska when local and other in-state options are not available to an exceptional pupil. Such placements are reserved for those extreme cases where the severity and type of exceptionality is such that no in-state placements can be made. Mild and moderate exceptionalities are not to be considered for this type of transfer. All out-of-state program placements are made by the Commissioner of Education [AS 14.30.288(c)], and 100% of the costs of such placement are assumed by the Department of Education. If the Commissioner of Education disapproves a reimbursement request by an LEA, the LEA may still transfer the child out-of-state at their own expense. The LEA may follow due process and appeal the Commissioner's decision.

No placement can be made without the written consent of the parent or legal guardian.

In all cases where a transfer is implemented the sending district must assure that:

1. Placement has been determined by the district's Child Study Team. The Team must establish that an appropriate program is unavailable or unfeasible locally.

2. The child is provided with an Individualized Education Program as determined by the sending district's Child Study Team.

3. Receiving schools and facilities meet state standards and comply with P.L. 94-142 herein after.

4. The student's rights are protected through due process and confidentiality.

5. Placement is commensurate with the school year of the initiating district unless otherwise determined by the Commissioner of Education.

6. Placement is reviewed and revised annually.

NOTE: State Department of Education policy for applying to the Commissioner of Education for a student transfer may be received from the Office for Exceptional Children c/o Alaska Department of Education.

Participation of Private School Children

Exceptional children who are enrolled in private schools may participate in programs conducted for the exceptional in public schools upon referral and upon approval by their parents. The local education agency must provide special education and related services designed to meet the needs of private school exceptional children residing in the jurisdiction of the agency. This participation must be consistent with the number of those children and their needs.

Services to private school exceptional children may be provided through such arrangements as dual enrollment, educational radio and television, and the provision of mobile educational services and equipment.

The local educational agency may provide special education and related services to private school exceptional children which are different from the special education and related services it provides to public school children if:

1. The differences are necessary to meet the special needs of the private school exceptional children, and

2. The special education and related services are comparable in quality, scope, and opportunity for participation to those provided to public school children with needs of equal importance.

Funds provided from foundation support and Title VI-b, Education of Handicapped Act, or P.L. 89-313 and property derived from those funds may not inure to the benefit of any private school.

Provisions for serving private school exceptional children may not include the financing of the existing level of instruction in the private schools.

Chapter Four:

PUBLIC SCHOOL FOUNDATION SCHEDULE: SPECIAL EDUCATION

ADM and FTE Computation

State and Local effort is calculated on the generation of Average daily membership (ADM) or its Full Time Equivalent (FTE). The formula as contained in AS 14.17.041(d) is:

ADM Full-Time equivalent	No. Instructional Units
5-8	1
9-15	2
16-24	3
25-35	4
36 and over	4 plus 1 for each 11 pupils or fraction of in Full-Time Equivalency.

A student who is participating in regular education classes may be included in the ADM count for regular education and for the FTE count for Special Education.

A student who is participating in education services through correspondence may be included in the FTE count for special education if:

1. the student is isolated to the extent that regular school enrollment is impractical and

2. current correspondence fiscal resources are inadequate to meet the student's needs.

Special education instruction to children who are at home must constitute at least 10 hours per week to generate 1 FTE. [AS 14.30.305]

Plan of Service for the Gifted and Talented

An annual plan of service for gifted and talented programs or services beyond the level of those ordinarily provided as regular school programs must be submitted to the department for approval no later then June first of the preceding fiscal year. The elements essential to an annual plan of service for gifted and talented may be found on page 7.9 of this handbook. School districts may identify only the top five percent (5%) of their total district population as gifted or talented. [AS 14.30.180, AS 14.30.350(E)]

Full-Time Equivalencies (FTE)

Levels of service determine full-time equivalencies

Full-time equivalencies will be determined by levels of services offered exceptional children. Level of service shall be reflective of the total amount of time the child is in a specifically designated instruction mode.

Minimum length of School Day Exclusive of Intermissions:
AS 14.03.040

*Preschool-3 = 20 hr./wk.
**4-12 = 25 hr./wk.

Level I	Level II	Level III	Level IV
0-25%	26-50%	51-75%	76-100%
Per-Day			
* 0-1 hr.	1:01-2 hr.	2:01-3 hr.	3:01-4 hr.
**0-1.25 hr.	1.26-2.5	2.6-3.75	3.76-5
Per-Week			
* 0-5	5:01-10	10:01-15	15:01-20
** 0-6.25	6.26-12.5	12.6-18.75	18.76-25

Child study teams (CST), with parents or legal guardians should consider the above table as a minimum standard when developing individual education plans (I.E.P.'s). While the necessary time and costs attributable to the work of the CST, certification testing, and such indirect support as: travel to specific sites, development of lesson plans, and necessary central office support are of concern to district personnel, it can not be used in computation for levels of service. Direct services only may be used when computing levels of services, The only method for receiving state reimbursement for special education evaluation and placement services is to lengthen the days in membership of specific students to reflect the actual days of membership as having been from the beginning of the referral-assessment process. P.L. 94-142 regulations limits this time period to 30 days. Children should be processed into Special Education in much less time. FTE cannot be increased to reflect indirect support.

An example of increasing days-in-membership is as follows:

September 1, Screening/referral and/or child find reveal an at-risk student.

September 1-5, CST notified and initial staffing takes place.

September 8-13, CST makes placement decision based on testing, and parental input and by September 16-20 places child in program. IEP reflects level of service and FTE generation is established.

The district may compute FTE from September 1 in this case because the child is receiving process services even though he/she may not become enrolled in the program until the 20th of the month.

***Child Certification Audits and Program Reviews

Each school district shall stand ADM/FTE audit at least once each three years and anytime after thirty (30) school days into a school year. All audits will verify the current ADM/FTE level. Audits conducted after the first quarter has ended will also confirm the first quarter ADM/FTE for Special Education. Districts will be required to provide the following data to the Commissioner of Education:

1. The number of students reported as exceptional, their exceptionality and level of service as reported on the quarterly enrollment reports.

2. The number of days in membership of each special education student.

3. The program placement and the service provided as described by the IEP.

4. All data the child study team used to determine I.E.P., program placement and services to be provided each child.

Other audits may be indicated (1) if there is an unexplained rapid growth in a program; (2) if the ratio of exceptional to regular is high.

Additional audits may occur at any time upon direction of the Commissioner of Education.

Program Reviews are scheduled as necessary and are a best practice review which is an indepth study of the district's special education program.

1. Programs may need to be drastically realigned.

2. Resources from outside the district may need to be brought to bear on the noted problem areas at the expense of the LEA.

3. Special Education funds may be significantly reduced.

4. Additional resources may be allocated from Department of Education or other.

5. An audit may be recommended.

***Special Attendance

In the computation of foundation units for special education support, each district will usually be treated as a single unit. Special attendance areas will not be allowed without specific written approval from the Commissioner of Education.

Districts should not consider applying for a special attendance area for a component of its special education program unless that component reflects a state-wide or region-wide effort.

Chapter Five:

EXCEPTIONALITY DEFINED

The exceptional child has been defined as that child who deviates from the average or normal child in mental, physical, or social characteristics to such an extent that he requires a modification of school practices, or special educational services, in order to develop to his maximum capacity. A child may be said to be educationally exceptional if his deviation is of such kind and degree that it interferes with his development under ordinary classroom procedures and necessitates special education, either in conjunction with the regular class or in a special class or school, for his maximum development.

"Exceptional children" means children who differ markedly from their peers to the degree that they are better served by placement in a special learning program designed to serve their particular exceptionality; these children may be identified in the following categories: [AS 14.30.350]

***Mental Retardation

"Mentally retarded" includes those children of educable and trainable mind who consistently demonstrate evidence of reduced acedemic achievement or social behavior and whose intellectual potential indicates restriction significantly below that of their peers. [AS 14.30.350]

This term refers to that group of conditions characterized by a) slow rate of maturation, b) reduced learning capacity, and c) inadequate social adjustment, present singly or in combination, and associated with intellectual functioning which is below the average range, usually present from birth or early age.

***Physical Disability

"Physically handicapped" includes children whose known or diagnosed physical impairments are so severe or involved that special facilities, equipment or methods are needed to make their educational program effective. [AS 14.30.350]

Congenital or acquired muscular, skeletal, sensory, or neurological or other organic deficiencies which precludes normal progress in the regular school program.

Blindness: A condition of severe visual impairment; such as loss of sight as to result in no measurable vision or vision which is so limited as to be of little if any practical use as a channel of learning.

Partial Sightedness: Visual limitation which interferes with student's learning efficiency to such an extent that special teaching services and aids are required to attain performance standards appropriate

for normally sighted students of comparable ability but who rely on vision as a chief channel of learning and use of print as the primary mode of reading. Performance may be adequate with the use of visual aids and modified instructional material and methods.

Deafness: Malfunction of the auditory mechanism resulting in a condition in which hearing is either totally absent or so defective as to be nonfuctional for the ordinary purposes of life. The hearing impairment is so severe that the student cannot learn primarily by the auditory channel even with a hearing aid, and depends upon the other senses for all educational activities.

Hearing Impaired: Malfunction of the auditory mechanism resulting in a deficiency in hearing acuity and/or speech discrimination but with sufficient residual hearing to acquire speech and language by auditory means with or without a hearing aid or other amplification equipment. The student requires modification of instructional methods and materials or supplementary assistance in order to function and learn at the level of his maximum potential.

Orthopedically Handicapped: Descriptive of crippled children disabled by non-central-nervous-system conditions, such as poliomyelitis, tuberculosis of the spine, fractures, or burns which result in mobility problems significantly reducing participation in usual classroom activities.

Neurologically Handicapped: Descriptive of children who are crippled by a condition of the central nervous system, such as epilepsy, cerebral palsy, postencephalitis, or postmeningitis which significantly restricts participation in usual classroom activities. (Should be included with Orthopedically Handicapped for reporting purposes.)

***Other Health Impairment

Health conditions which result in reduced ability to participate in usual classroom activities. Medical diagnosis may include conditions such as asthma, heart disease, or hemophilia.

***Emotionally Disturbed

"Emotionally handicapped" includes children whose known or diagnosed emotional impairment is so severe or involved that special facilities, equipment or methods are needed to make their educational program effective. [AS 14.30.350]

A deep-rooted problem involving control and expression of feelings that result in severe deficiencies in group

participation, awareness and/or understanding of self and environment which significantly reduces participation in usual classroom activies.

Communicative Disorders

Impairments in articulation, language, voice, or fluency. A communicative disorder may range from a mild to severe developmental, organic, or psychogenic deficit.

Articulation Disorder: The abnormal production of one or more phonemes (speech sounds) that interfere with intelligibility of speech. Four basic types of misarticulation include: substitution of one phoneme for another, omission of phonemes, phonemic distortions, and inappropriate additions of phonemes.

Language Disorder: The acquisition, comprehension or use of expressive and/or receptive language skills, either oral or graphic, which are deviant from accepted norms in terms of syntactical, morphological, and semantic performance.

Voice Disorder: The absence or abnormal production of voice characterized by defective vocal quality, pitch, and/or intensity. [NOTE: When a voice disorder is suspected, a physician's diagnosis is required before services can begin.]

Fluency Disorder: The abnormal flow of verbal expression, including rate and rhythm.

Specific Learning Disability

"Children with learning disabilities" includes those who exhibit disorders in one or more of the basic learning processes involved in comprehending or using expressive or receptive lanaguage and who may require special facilities, equipment or methods to make their educational program effective. [AS 14.30.350] Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing or motor-handicaps, of mental retardation, of emotional disturbance, or environmental, cultural or economic disadvantage.

Multiple Handicapped

"Multiple - Handicapped" includes children whose known or diagnosed handicaps are determined to be any combination of the handicapping conditions described above whose needs demand the provision of special facilities,

equipment or methods to make their educational program effective. [AS 14.30.350]

Gifted and Talented

"Gifted" includes children having outstanding intellect, ability or creative talent; programs or services beyond the level of those ordinarily provided as regular school programs shall be submitted to the department for supplemental funding on an approved program basis. [AS 14.30.350]

Gifted and talented students are those identified by qualified persons who, by virture of outstanding abilities represent the top five percent (5%) of a given school district's total student population and are capable of exceptional performance. These are students who require differentiated educational programs and/or services beyond those normally provided by the regular school program in order to realize their contribution to self and society.

This definition seeks to distinguish two groups of students from their peers on the basis of exceptional performance. The two groups are the (1) intellectually gifted and (2) the talented. While intellectual superiority and talent are highly related, the relationship is less than perfect; that is, not all talented students are intellectually superior while most intellectually superior students display exceptional talents. These two groups of students can be distinguished from their normal peers on the basis of a variety of performance indicators.

Chapter Six:

OTHER DEFINITIONS

***Educational Evaluation

A multifactored evaluation which defines the parameters of a child's assets and deficits in all logical curricular areas, as well as his functioning in the school, home and community. The education evaluation process includes both a diagnostic evaluation and an assessment of needs. (See definitions of diagnosis(es) and assessment.)

***Diagnosis(es)

The procedure or procedures by which child performance and ability to perform are defined. Procedures may include assessment of level of intellectual capacity, hearing acuity, visual acuity, motoric functions, etc. The outcome of the diagnostic process is that the child's ability and performance are described well enough to evaluate the appropriateness of regular or special education placement. Diagnostic information may also have applicability in making more specific placement decisions (e.g., if a child is seriously visually impaired, provisions will be made in placement to use large print materials and perhaps other special instructional materials). Diagnostic information is not sufficient, however, to make refined placement decisions. Accurate assessment of skill deficits and assets provide the additional information needed for more precise determination of appropriate education programming.

***Assessment

Procedure by which the exceptional child's skill levels are determined for all relevant curricular areas. A thorough assessment might include determining academic skills and knowledge present and lacking, fine and gross motor skills, etc. On the basis of a thorough assessment of an exceptional child's needs, appropriate short-range educational objectives and instructional programs to meet those objectives can be designed.

***Initial Identification

Any procedure or set of procedures (school entry screening, child census or survey, parent or teacher referral, etc.) which leads to the location of a potentially exceptional child.

***Least Restrictive Environment: (Least Restrictive Alternative)

That placement option which assures that exceptional children are educated with children who are in the regular classroom and that special classes, separate schooling or other removal of exceptional children

from the regular educational environment occurs only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

***Long-Range Goals (one year goals = Annual goals)

Long-range educational goals are the Child Study Team's best statements of where a given exceptional child should be in the educational system in the future (in one, in three, or in five years). Such goals can be defined in terms of behavioral statements (e.g., the child will have a saleable vocational skill, be able to manage a checking and savings account, etc.), as well as in-service need statements (e.g., the child needs a vocational/career education aimed at developing saleable skills, skills in money management, etc.).

***Short-Range Objectives

Short-range objectives are the teacher's best statements of those measurable intermediate steps between a child's present level of performance in a goal area and the desired level as stated in the long-range goal. Short-range objectives can be stated behaviorally (e.g., the child will be able to recognize money, both currency and coin, in amounts up to $10), as well as in terms of curriculum units needed by that child (e.g., the child needs a curriculum unit on recognizing and counting money, on time telling, etc.).

***Due Process

In legal terms, due process means the fair administration of the law. In education this concept has been applied to the right of parents to review educational decisions which affect a child's program, to receive a fair and impartial hearing in a reconsideration of educational decisions, and the right of parents and children of majority age to review school records, etc.

***Related Services

This term "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training. [Fed. Reg. 121a.13]

***Special Services

"Special services" means but is not limited to transportation, special teaching, corrective teaching, corrective health habits, and the provision of special seats, books, teaching supplies, facilities, and equipment required for the instruction of exceptional children, and includes education and training for children who cannot utilize regular classroom instruction. [AS 14.30.350]

***Data Required in Student's Certification File for Monitoring:

Personal data, i.e., name, birthdate, sex, parent, or guardian, C.A., grade placement.

Educational history; i.e., academic record, anecdotal record.

Social history (need for this may be determined by Child Study Team).

Medical history (need for this may be determined by Child Study Team).

Psychological evaluation (need for this may be determined by Child Study Team).

Referral form (completed).

Observation report, (as required in the eligibility criteria for an exceptionality).

Adaptive behavior instrument, (as required in the eligibility criteria for an exceptionality).

Parent permission for evaluation.

Assessment summary; i.e., psychological, academic, medical.

Annual reassessment.

Parent permission for placement.

Parent permission for program change (as needed).

Individualized education plan for each student,

Parent acknowledgement of receipt of copy of due process procedures in native language.

***Observation

The act or process of observing academic performance in the regular classroom setting as a means of gathering descriptive or quantitive data. Such procedures require that observed behaviors be coded or classified by

the use of non-evaluative, relatively objective sets of categories which describe specific behaviors or actions.

***Adaptive Behavior

As used in this handbook adaptive behavior involves the use of adaptive behavior measurement as a part of a non-discriminatory or non-biased assessment of students who are being considered for special education identification, placement, intervention, and programming. Such instruments as Adaptive Behavior Inventory for Children (ABIC) (a part of SOMPA) by Mercer & Lewis, 1977; Adaptive Behavior Scale -- Public School Version (ABS-PS) by Lambert, Windmiller, Cole, and Figuroa, 1974; Bolthasan Scale of Adaptive Behavior, Balthasan, 1973; and the Cambridge Assessment Developmental Rating and Evaluation, Welch, O'Brien, and Ayers, 1974, may be used. These are cited as examples only.

***Native Language

When used with reference to an individual of limited English speaking ability, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

Chapter Seven:

DETERMINING ELIGIBILITY FOR SPECIAL EDUCATION SERVICES

***Introduction

Standardized tests are widely used in assessment related to educational evaluation, and in assessment of ability. Careful interpretation of test results is always necessary when considering the status of any individual child or of any group of children with backgrounds which vary from the general population. In Alaska, cultural diversity requires extreme caution in interpreting all results.

Attention to cultural diversity is critical in Alaska

Testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of exceptional children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child. [P.L. 94-142; Section 612(5)(C)]

There are no simple rules to apply in testing or interpreting tests for a given child. Providing test instructions, or even translating the test into the child's native tongue (unless it is clearly not feasible to do so), will help in gaining more meaningful results. Utilizing competent professional teams for assessment and interpretation provides the best assurance of valid decisions.

Testing can be meaningful if done thoughtfully

For individuals or for groups of children not successful in regular classrooms, it is the responsibility of the school district to develop appropriate programs to meet the needs of those children. It is the clear intent of the legislature, however, that programs designed primarily to deal with culturally divergent children should not be used to generate Public School Foundation Units for Special Education. The function of these eligibility guidelines then, is to insure that labels are not systematically applied to exceptional children. In no case should a school district feel that the determination of eligibility is sufficient grounds for determining the kind of placement required to meet a child's special needs - that final placement determination must await a specific educational needs assessment for that child as determined by the Child Study Team. (See Chapter 2 of this document). These eligibility guidelines are designed primarily to insure that the extra resources available through the special education schedule of the Public School Foundation Program are provided to those children who are exceptional as described by law.

Special Education is not intended to focus upon cultural divergence as a condition of exceptionality

General Eligibility Guidelines

Several general guidelines for determining the eligibility of a child for special services do apply, regardless of the child's cultural background or exceptionality:

1. The child must be of legal school age in Alaska. For exceptional children, this is 3-19 years of age.

2. And, the child must be functioning at a level significantly below the average for his peer group of the same age and cultural background (or significantly above average for the talented or gifted child).

3. The child must be unable to learn successfully up to his potential in the regular school program without special supportive services.

4. A person over school age may be admitted to the public school in the school district in which he is a resident at the discretion of the governing body of the school district. A person over school age may be charged tuition by the governing body of the school district. [AS 14.03.080(b)]

Specific Eligibility Criteria

Mentally Retarded

A child can be eligible for special education after being evaluated and recommended for special education placement by the Child Study Team with consideration given to the following criteria:

1. Intellectual performance, based on appropriate age level measures and interpreted by qualified personnel who are aware of the cultural and language differences, which shows intellectual potential to at least one and 2/3 standard deviations below the mean.

2. Social and adaptive behavior equal to 3/4 or less of chronological age.

Partially Sighted

A child can be eligible for special education placement if the Child Study Team so determines after:

1. His or her visual acuity is 20/70 or less in the better eye with correction as determined by an eye physician;

2. or, an eye physician recommends special services requiring the use of non-standard instructional materials or aids designed to facilitate the child's learning.

Blind

A child can be eligible for special education placement if the Child Study Team so determines after:

1. his or her visual acuity is 20/200 or less in the

better eye with correction as determined by an eye physician;

2. or his or her visual perception is impaired by a field deficit in which the visual field subtends an angle no greater than 20 degrees ("tunnel vision");

3. or, an eye specialist indicates that functional vision is virtually absent for purposes of learning and that special services utilizing primarily other sensory modalities are required.

Hearing Impaired

A child can be eligible for special education placement if the Child Study Team so determines after:

1. Upon failure of hearing screening testing, the child has a handicapping hearing loss as determined by an audiologist's or physician's diagnostic evaluation.

2. Evaluation, including:

   speech evaluation (including voice, articulation, and fluency)
   language evaluation
   hearing evaluation
   oral-peripheral examination
   specialized tests related to learning

   indicates that an educational performance is deficient and related to the hearing impairment, and b) special instructional techniques, materials, and/or equipment are needed in order to facilitate learning through the auditory modality.

   Criteria for "hearing impaired"; any child observed to have a significant hearing loss (Greater than 20dB at any two speech frequencies in one ear) or other evidences of middle ear pathology. Either or both of these conditions indicate the need for audiological and medical follow-up. Close coordination with local and regional health care providers is imperative in providing prompt services for middle ear disorders.

Deaf

A child can be eligible for special education placement if the Child Study Team so determines after:

1. The child has a severe loss of auditory sensitivity which interferes with speech reception and discrimination abilities as determined by an audiologist or qualified physician.

2. Evaluation indicates that the auditory modality cannot serve as the modality for speech and languare development and special instructional techniques utilizing other sensory modalities are required in order to facilitate learning.

A child can be eligible for special education placement if the Child Study Team so determines after:

Orthopedically Handicapped

1. The child, because of the nature of his or her handicap, cannot participate safely and profitably in the regular education program without specialized equipment and instructional methods.

2. A qualified physician or orthopedic specialist determines that the child suffers from a motoric, skeletal or other orthopedic impairment and recommends special education placement.

A child can be eligible for special education placement if the Child Study Team so determines after:

Neurological handicapped (should be included with Orthopedically handicapped for FTE report)

1. The child is diagnosed by a qualified physician or neurologist as having a neurological impairment which results in an educationally significant deficit(s) in one or more of the following areas: Motor, sensory-motor, perceptual, cognitive or behavioral.

2. The child lags significantly in educational progress when compared to peers of like age and culture (2 or more years behind).

A child can be eligible for special education placement if a physician in conjunction with the Child Study Team certifies that the child is unable to benefit from a regular school program without special support, or regular attendance unadvisable.

Other Health Impairments

A child can be eligible for special education placement if the Child Study Team determines that:

Multiple Handicapped

1. They meet the criteria for special education placement in more than one area of exceptionality.

2. The nature of their multiple handicapping condition is so severe they cannot adapt to a special program specifically designed for one major handicap.

Communicative Disorders - A child can be eligible for special education placement if:

Communicative Disorders

As a result of diagnostic and predictive testing a Speech/Language Pathologist, as a member of the Child Study Team determines that the student has a significant articulation, language, voice, or fluency disorder as defined on page 5.3.

Specific Learning Disabilities (eligibility Criteria)

Learning Problems

The following shall be included on the Child Study Team (CST), in evaluating a child suspected of having a specific learning disability:

1. The child's regular teacher; or

2. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or

3. For a child of less than school age, an individual qualified by the Department of Education to teach a child his or her age; and

4. At least one person qualified to conduct individual diagnostic examinations of children, such as school psychologist, speech language pathologists, or learning disability specialist.

The following five conditions must be met in order to identify children to be served as learning disabled:

1. The child must evidence conceptual, perceptual, and/or integrative disabilities or a disorder in one or more of the basic psychological processes involved in using spoken or written language.

   Documentation of the disability will be accomplished through the use of observation, adaptive behavior scales, and criterion referenced measures. (A measure of individual intelligence or other evaluation instruments may be used at the Child Study Team's discretion).

   a. Observation must include the following criteria:

      (1) At least one team member other than the child's regular teacher shall observe the child's regular classroom setting.

      (2) In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child that age.

   b. Adaptive behavior scales which are appropriate for the child's age and disability.

   c. Criterion referenced instruments that are commercial or teacher made.

   d. Individual standardized intelligence tests, when used, (such as the WISC-R, WAIS, WPPSI, Stanford-Binet)

   This permits the use of local norms for standardized tests and/or criterion referenced measures of intellectual performance.

2. The child has significant academic problems.

   A significant academic problem exists when the CST finds that a child has a severe discrepancy between academic achievement and intellectual ability in one or more of the following areas:

   a. Oral Expression

   b. Listening Comprehension

   c. Written Expression

   d. Basic Reading Skill

   e. Reading Comprehension

   f. Mathematics Calculation

   h. Mathematics Reasoning

The following procedures must be followed in certifying a severe discrepancy:

   a. The total evaluation of the student must be carefully considered in terms of the student's social, cultural, and economic background. Poor academic functioning due to such things as irregular attendance in school, low intelligence, bilingual background, lack of educational stimulation in the home, etc., does not of itself qualify a student for a special education program or service under the definition of learning disabilities.

   b. The use of systematic observation in multiple settings, adaptive behavior scales, and criterion referenced measures must be documented. This will provide not only a means for determining placement, but, also information upon which decisions about student performance, future placement, and program can be based.

   c. In addition, the Child Study Team must be able to show that viable general education alternatives have been given a fair trial and have been found not to be effective. Examples would include individualized instruction, such as tutoring, remedial reading, English as a second language and/or bilingual education, compensatory education, placement with other teachers and/or general education resource programs, etc. RESPONSIBILITY RESTS WITH THE DISTRICT TO PROVIDE DATA AND DEFEND ITS APPROPRIATENESS.

3. Exclude children "who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or environmental, cultural difference, or economic disadvantage."

4. The CST shall prepare a written report of the results of the evaluation. The report must include a statement of:

   a. Whether the child has a specific learning disability.

   b. The basis for making the determination.

   c. The relevant behavior noted during the observation of the child.

   d. The relationship of that behavior to the child's academic functioning.

   e. The educationally relevant medical findings, if any.

   f. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services.

   g. The determination of the team concerning the effects of environmental, cultural difference, or economic disadvantage.

   h. Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion.

5. Evaluation and assessment must be done in order that teaching materials and the learning environment can be matched with specific needs of the child under consideration.

Severe Emotional Problems

A child <u>is</u> eligible for special education placement if a psychiatric or psychological assessment (by an appropriate Child Study Team) shows a reasonable indication of social-emotional disturbance either in the absence of all other handicaps or is determined to be the primary handicap. The following criteria must be considered before placement in special education for E.D.:

1. The child is not capable of functioning educationally in a group setting.

2. Any E.D. child who is to receive special education services shall be under the active routine attention of qualified medical and/or psychological personnel.

   a. The Child Study Team shall develop an individual education plan that delineates the type and duration of services. The I.E.P. shall carefully utilize

techniques developed in a joint staffing including appropriate medical and/or psychological personnel.

Gifted and Talented (Eligibility Criterion)

Gifted and Talented

1. Identification of students as gifted and talented must be done through the use of multiple performance indicators. No single test, test score, other measurement or nomination procedures shall be the determining factors. Both objective and subjective measurements must be used. While some standardized tests exist for identification of giftedness and talent, districts may adopt them or develop their own in order to meet local needs.

2. Multiple performance indicators to identify intellectually gifted students might include, but are not limited to, the following:

   a. Superior score on an individual or group achievement tests;

   b. Superior score on individual or group intelligence tests;

   c. Superior score on aptitude tests in specific areas;

   d. Pupil products such as grades, class activities, and work; such as: exceptional art work, creative writing, musical ability, "inventions", etc.;

   e. Nominations from teachers, parents, peers, self, and community members.

3. Talented students are those who have demonstrated exceptional performance in one or more of the following areas:

   a. Creative or productive thinking;

   b. Leadership;

   c. Visual or performing arts;

   d. Manipulative skills;

4. School districts may identify only the top five percent (5%) of their total district population as gifted or talented. It is recommended that a district not develop a program that will result in the entire 5% in only one gifted and talented area.

5. Districts shall submit to the Commissioner an acceptable plan prior to funding. This plan must be consistent with the State Special Education Handbook, and include the following elements:

a. A statement of philosophy for gifted and talented program;

b. Program goals both annual and long-range (two or three years) and short-range objectives;

c. Specific student identification procedures;

d. Program and curricular alternatives;

1) Staff utilization plan;

2) Staff in-service plan;

3) Annual program evaluation.

6. General elements to be included in the evaluation design:

a. The evaluation design should focus on:

1) Student progress, and

2) Program administration;

b. The evaluation design should be developed during the program planning process;

c. Evaluation procedures should be related to goals and objectives of the program;

d. Student evaluation should be formative (i.e., continuous);

e. Evaluation should be comprehensive, using several techniques and assessment methodologies;

f. The evaluation should reveal to what extent goals and objectives have been accomplished.

7. Areas to be considered for evaluating programs:

a. The effects on the students in the programs;

b. The effects on other students;

c. The effects on parents;

d. The effects on the community;

e. The effects on the faculty;

f. The administration of the program;

g. The effects on the total education programs within the school or districts.

8. Techniques of Evaluation

There is a multiplicity of tests, inventories, observational techniques, and measuring devices available to assist in the assessment process. Some examples of these techniques are the following:

a. Standardized tests

b. Teacher-made inventory tests of behavior, self-image, or sociological development

c. Individual conferences

d. Group conferences

e. Group counseling

f. Parent reaction

g. Peer reaction

h. Student reaction

i. Sociograms

j. Psychological tests

k. Rating scales for creativity, motivational aspects, student awareness

l. Student ability

m. Student readiness

n. Expert opinion

o. Student projects/products

A thorough evaluation program will utilize several of the above techniques. Continued funding for gifted and talented programs is dependent upon submission of evaluation data to the Office for Exceptional Children indicating the effectiveness of the district's gifted and talented program. The subsequent year's plan must indicate how evaluation results were used to modify the program.